

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
---------------	-------------	----------------------	---------------------

08/133, 982 10/08/93 YURT

P 2473.000102

LE. A

26M1/0822

FINNEGAN, HENDERSON, FARABOW,
GARRETT AND DUNNER
1300 I STREET, N.W.
WASHINGTON, DC 20005-3315

ART UNIT

PAPER NUMBER

13

2614

DATE MAILED:

08/22/95

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS This application has been examined Responsive to communication filed on 05/30/95 This action is made final.

A shortened statutory period for response to this action is set to expire -3- month(s), -0- days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892.
3. Notice of Art Cited by Applicant, PTO-1449.
5. Information on How to Effect Drawing Changes, PTO-1474.

2. Notice of Draftsman's Patent Drawing Review, PTO-948.
4. Notice of Informal Patent Application, PTO-152.
6. _____

Part II SUMMARY OF ACTION

1. Claims 1-61 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. Claims 1-32 have been cancelled.

3. Claims 35-47 are allowed.

4. Claims 33,34,48-54,58 are rejected.

5. Claims 55-57, 59-61 are objected to.

6. Claims _____ are subject to restriction or election requirement.

7. This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. Formal drawings are required in response to this Office action.

9. The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are acceptable; not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been approved by the examiner; disapproved by the examiner (see explanation).

11. The proposed drawing correction, filed _____, has been approved; disapproved (see explanation).

12. Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has been received not been received been filed in parent application, serial no. _____; filed on _____.

13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. Other

EXAMINER'S ACTION

Art Unit: 2614

Claim Rejections - 35 USC § 112

1. Claims 49 and 54 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 49, the recitation "the converter is an element of the means for transmitting" is vague. It is inconsistent with the recitation "a converter at the at least one of the subscriber receiving stations" cited previously on claim 48, lines 14-15.

Similarly, in claim 54, the recitation "the decompressing step is performed in the local distribution system" is inconsistent with the recitation "the step of decompressing...after the transmission step" cited in claim 53, lines 2-4.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Art Unit: 2614

3. Claims 33, 34, 48-54 and 58 are rejected under 35 U.S.C. § 102(e) as being anticipated by Ballantyne et al.

Regarding claim 33, Ballantyne et al's disclosure of a central distribution library being a central depository for compressed, digitized audio visual data (12), a process of appending unique identification code for each movie type to digital video data (16), and a conversion of digital video data into light energy for transmission over communication network (Figure 1b, column 3, line 59 to column 4, line 56) conforms respectively to the claimed plurality of library means, identification encoding means, conversion means and transmitting means.

As to claim 34, the limitation regarding the plurality of libraries being geographically separated is inherently taught in Ballantyne et al on column 4, lines 50-55. That is, regional distribution library is provided in each of the geographical areas.

Regarding claims 48-54 and 58, the claimed processing station, local distribution system comprising of receiving means, storing means, transmitting means, and subscriber stations coupled to the local distribution system are disclosed in Ballantyne et al's movie distribution method comprising the processes of compressing, digitizing data, sending digitized compressed signals to a receiver, converting to corresponding electronic signals, temporarily storing the converted signals, decompressing the

signals and passing the decompressed signals to viewer (column 6, line 57 to column 7, line 8).

Response to Amendment

4. Applicant's arguments filed on 05/30/95 have been fully considered but they are not deemed to be persuasive.

With respect to claim 33, Applicants assert that

"Ballantyne et al do not disclose or recognize that movies may be distributed to a single user from both a central library and a regional library. Rather, in the system of Ballantyne et al a user only receives movies from a single library. Ballantyne et al, thus, fail to disclose the claimed identification encoding means for retrieving information in items from a plurality of library means and transmitter means for transmission of formatted data from a plurality of libraries to one of a plurality of remote locations."

In fact, the claimed limitation of "a plurality of library means" is inherently disclosed in Ballantyne et al. As shown in Figure 1B of this reference, the central distribution library comprises of three different sections. Thus, each of these three sections is recognized by an ordinarily skilled artisan as one of the claimed plurality of library means. Accordingly, Ballantyne et al discloses all the subject matters claimed, as stated on paragraph above. Therefore, the rejection is maintained.

With respect to claim 34, Applicants argue that

Ballantyne et al further fail to even remotely suggest collecting information from a plurality of geographically separated libraries for transmission to a single remote location as recited in claim 34.

Nevertheless, the regional libraries in Ballantyne et al are disclosed to be geographically separated (column 4, lines 50-55).

In this case, Ballantyne et al's geographically located regional libraries conform to the claimed plurality of geographically separated libraries. As to the claimed limitation of "for transmission to a single remote location", the Ballantyne et al reference is interpreted as follows. At a particular instance when only one customer requests a movies within specific areas having a plurality of regional libraries, it is inherent that transmission to only that one customer (single remote location) be carried out.

For the above reasons, the rejection for claim 34 is maintained.

With respect to claims 48-54 and 58, Applicants submit that

Ballantyne et al do not disclose each element of the various combinations recited in claims 48-54, 58. Rather, Ballantyne et al disclose a system wherein a single library sends data, through either optical cable or a coaxial cable, directly to a user location. Ballantyne et al fail to disclose an intervening reception system which, for example, decompresses

compressed data and sends the decompressed data to the individual users.

First of all, with respect to claims 52-54, 58, the limitation on which the Applicant relies (i.e., an intervening reception system which decompresses compressed data and sends the decompressed data to the individual users) is not stated in the claim. Therefore, it is irrelevant whether the reference includes this feature or not.

Secondly, with respect to claims 48-51, Ballantyne et al in effect discloses all the claimed limitations. As explained above, the claimed central processing location is corresponded by Ballantyne et al central/regional library; the claimed local distribution system is corresponded by Ballantyne et al distribution network shown in Figure 3, 4; the claimed subscriber stations coupled to the local distribution system is corresponded by Ballantyne et al's disclosure of the system portion shown in Figure 5.

Allowable Subject Matter

5. Claims 35-47 are allowable over the prior art of record.

6. Claims 55-57, 59-61 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in

Art Unit: 2614

independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

*** NOTICE ***

ANY AMENDMENT OR REQUEST FOR RECONSIDERATION IN RESPONSE TO THIS FINAL OFFICE ACTION SHOULD BE DIRECTED TO:

Commissioner of Patents and Trademarks

BOX AF

Washington, D.C. 20231

By addressing all After Final Office action responses to the above address, processing time of the responses is reduced. This will result in more timely responses by the Office and should result in fewer requests for extensions of time.

Art Unit: 2614

8. This application is subject to the provisions of Public Law 103-465, effective June 8, 1995. Accordingly, since this application has been pending for at least two years as of June 8, 1995, taking into account any reference to an earlier filed application under 35 U.S.C. 120, 121 or 365(c), applicant, under 37 CFR 1.129(a), is entitled to have a first submission entered and considered on the merits if, prior to abandonment, the submission and the fee set forth in 37 CFR 1.17(r) are filed prior to the filing of an appeal brief under 37 CFR 1.192. Upon the timely filing of a first submission and the appropriate fee of \$365.00 for a small entity under 37 CFR 1.17(r), the finality of the previous Office action will be withdrawn. In view of 35 U.S.C. 132, no amendment considered as a result of payment of the fee set forth in 37 CFR 1.17(r) may introduce new matter into the disclosure of the application.

If applicant has filed multiple proposed amendments which, when entered, would conflict with one another, specific instructions for entry or non-entry of each such amendment should be provided upon payment of any fee under 37 CFR 1.17(r).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amanda Le whose telephone number is (703) 305-4769. The examiner can normally be reached on Monday-Thursday from 8:00 AM-5:30 PM. The examiner can also be reached on alternate Fridays.

Serial Number: 08/133,982

-9-

Art Unit: 2614

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin, can be reached at (703) 305-4714.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700. The facsimile number for this Group is (703) 308-5403.

AS

A. Le

August 17, 1995



STEPHEN CHIN
SUPERVISORY PRIMARY EXAMINER
GROUP 2600